

# CalRecycle Monthly Public Meeting

October 15, 2013

## Approval to Formally Notice Proposed Compostable Material Handling and In-Vessel Digestion Regulations

### Changes for Consideration

#### § 17852. Definitions.

September 2013

(a) For the purposes of this Chapter:

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(24.5) "Land Application" means either subdivision (A) or (B):

(A) The final deposition of compostable material and/or ~~digestate~~ spread on any land, including land zoned only for agricultural uses, under the following conditions:

1. The compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters as specified in section 17868.3.1;

2. The compostable material meets the maximum metal concentrations as specified in section 17868.2;

3. The compostable material meets the pathogen density limits as specified in section 17868.3(b)(1); and

4. The compostable material is not applied more frequently than once during a 12 month period, and, at the time of the application, the compostable material shall not exceed an average of 12 inches in total, accumulated depth. The EA, in consultation with the Regional Water Quality Control Board, may approve alternative application frequencies and depths, if the EA after such consultation determines that the alternatives will not adversely affect public health and safety or the environment.

5. Verification of compliance with this subdivision must be provided to the EA upon request.

(B) The final deposition of compostable material spread on land zoned only for agricultural uses under the following conditions:

1. The compostable material does not contain more than 0.1% by weight of physical contaminants greater than 4 millimeters; and

2. Prior to application, the California Department of Food and Agriculture (CDFA) has determined that the land application is in compliance with all applicable requirements established by CDFA under Title 3 of the California Code of Regulations, and CDFA has determined that the land application is agronomically beneficial; and

3. Prior to application, the EA has received confirmation that CDFA has made the determination specified in (B)2. above.

[Note: This subdivision (a)(24.5) does not apply to: 1) the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division, 2) beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686, or 3) beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction. In addition, as specified in section 17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities]

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[Note: This subdivision (a)(24.5) does not apply to: 1) the use of compost produced in compliance with Article 3.1 and/or 3.2 of this Division, 2) the use of compostable material for gardening or landscaping on a parcel of land 5 acres or less in size, 3) the final deposition of compostable material spread on land by a Federal, State, or local government entity, provided the material is applied in accordance with applicable law, 4) beneficial reuse at a solid waste landfill pursuant to Title 27, California Code of Regulations, section 20686, or 5) beneficial reuse of biosolids pursuant to Part 503, Title 40 of the Code of Federal Regulations and State Water Resources Control Board General Order No. 2004-0012-DWQ, or site-specific Waste Discharge Requirements or other issued requirements from the State Water Resources Control Board or a Regional Water Quality Control Board having jurisdiction. In addition, as specified in section 17850(d), nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all authorizations and complying with all requirements of other regulatory agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.]

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## § 17855. Excluded Activities.

September 2013

(a) ~~Except as provided otherwise in this Chapter, the~~ activities listed in this section do not constitute compostable material handling operations or facilities ~~for the purposes of this Chapter~~ and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the ~~board~~ Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) ~~Composting An activity is excluded if it handles~~ agricultural material is an excluded activity if the agricultural material is, derived from an agricultural site, and ~~returns a similar amount of the compost produced from~~ the agricultural material produced is returned to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

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(a) ~~Except as provided otherwise in this Chapter, the~~ activities listed in this section do not constitute compostable material handling operations or facilities ~~for the purposes of this Chapter~~ and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the ~~board~~ Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) An activity is excluded if it handles agricultural material, derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

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